

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: North Dakota

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Temporary Management: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

X Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

       Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

Temporary management is accomplished through receivership which is set forth in statute in North Dakota Century Code Chapter 23-16.1. If immediate jeopardy to resident health and safety exists, the survey agency may take immediate control of a facility and appoint an interim administrator. Within ten working days the survey agency shall petition the district court to establish a receivership. The court may reconfirm the appointment of the interim administrator or direct the selection of another. A receiver appointed may not be terminated until a provider is in substantial compliance or has been terminated.

In the event of an emergency, the receiver may remove any or all residents from a facility and close the facility if deemed necessary.

The court shall appoint the state health officer as the receiver. The state health officer shall then designate a qualified individual to execute the receivership.

The receiver shall use the income and assets of the facility to maintain and operate the facility and attempt to correct the deficient conditions. The receiver may not liquidate the assets of the facility.

The receivership shall meet all other notice and criteria requirements specified in the regulations.

TN No. 95-015

Supersedes

TN No. New

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